
SENATE BILL 5754

State of Washington

60th Legislature

2007 Regular Session

By Senator Stevens

Read first time 01/31/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to creating the family, children, and youth
2 administration within the department of social and health services;
3 amending RCW 43.20A.010, 43.20A.060, 26.44.125, 26.44.220, 28A.300.800,
4 72.05.435, 74.13.570, and 74.13.660; adding a new section to chapter
5 43.20A RCW; and creating new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds it is necessary to
8 realign Washington's child welfare system from time to time, as more
9 information becomes available about the types of evidence-based and
10 emerging practices that keep Washington's families strong and healthy.
11 The legislature intends to clarify the mission and focus of the
12 administration within the department of social and health services that
13 is primarily responsible for the delivery of services to families,
14 children, and youth so that children and youth will have safe,
15 permanent homes and so that families will be better supported in their
16 efforts to care for and parent their own children, whenever possible.
17 The legislature believes that clear and specific legislative direction,
18 setting out the importance of collaboration with the community and how

1 services to families, adolescents, and children must be provided, will
2 help to provide a strong foundation for a more efficient and effective
3 agency.

4 The legislature expects the new family, children, and youth
5 administration to cooperate with communities to deliver services and to
6 prevent child abuse and neglect, to provide intervention services early
7 to preserve the family when high-risk situations are identified, and to
8 provide effective services to protect children and strengthen families
9 when child abuse and neglect have occurred.

10 The legislature intends that the new family, children, and youth
11 administration work with community partners, including foster parents,
12 to provide services to support the efforts of families to care for and
13 parent their own children safely, protect abused and neglected
14 children, and provide quality care and permanent families for children.
15 The legislature intends that the new administration work with families
16 to create opportunities to strengthen the parent-child relationship,
17 encourage social behaviors that connect parents to beneficial community
18 resources, and eliminate practices that are unsafe for children and
19 youth. The new administration's responsibility will include working
20 with community partners to promote safe and stable placements of
21 children, facilitate the delivery of appropriate treatment services to
22 families and their children, help to connect youth to appropriate
23 services, improve foster parent training and support, and help to
24 maintain connections between siblings in out-of-home placement.

25 The legislature finds that confidence in government is critical to
26 achieving the goals of the mission and that confidence is built by
27 establishing accountability for providing needed services to families,
28 children, and youth. The legislature finds that a clear mission will
29 help the new administration fulfill the responsibility of protecting
30 children, helping their parents, and finding families for children, in
31 a cost-effective manner. The legislature intends that the leadership
32 of the new administration be held accountable to produce results, based
33 upon the legislature's articulation of the agency's mission and goals.
34 The legislature also encourages the new administration to recognize the
35 critical nature of fostering a sense of employee satisfaction and
36 achievement in doing the important work of the administration.

1 PART 1

2 FAMILY, CHILDREN, AND YOUTH ADMINISTRATION

3 Sec. 101. RCW 43.20A.010 and 1989 1st ex.s. c 9 s 211 are each
4 amended to read as follows:

5 The department of social and health services is designed to
6 integrate and coordinate all those activities involving provision of
7 care for individuals who, as a result of their economic, social or
8 health condition, require financial assistance, institutional care,
9 rehabilitation or other social and health services. In order to
10 provide for maximum efficiency of operation consistent with meeting the
11 needs of those served or affected, the department will encompass
12 substantially all of the powers, duties and functions vested by law on
13 June 30, 1970, in the department of public assistance, the department
14 of institutions, the veterans' rehabilitation council and the division
15 of vocational rehabilitation of the coordinating council on
16 occupational education. The department will ~~((concern itself with
17 changing social needs, and will))~~ expedite the development and
18 implementation of programs designed to achieve its goals. In
19 furtherance of this policy, it is generally the ~~((legislative))~~
20 legislature's intent to set forth ~~((only))~~ the broad outline of the
21 structure of the department, leaving specific details of its internal
22 organization and management to those charged with its administration.

23 Sec. 102. RCW 43.20A.060 and 1989 1st ex.s. c 9 s 213 are each
24 amended to read as follows:

25 The department of social and health services shall be subdivided
26 into divisions and administrations, including a division of vocational
27 rehabilitation and the family, children, and youth administration.
28 Except as otherwise specified or as federal requirements may
29 differently require, these divisions and administrations shall be
30 established and organized in accordance with plans to be prepared by
31 the secretary and approved by the governor. In preparing such plans,
32 the secretary shall endeavor to promote efficient public management, to
33 improve programs, and to take full advantage of the economies, both
34 fiscal and administrative, to be gained from the consolidation of the
35 departments of public assistance, institutions, the veterans'
36 rehabilitation council, and the division of vocational rehabilitation
37 of the coordinating council on occupational education.

1 NEW SECTION. **Sec. 103.** A new section is added to chapter 43.20A
2 RCW to read as follows:

3 (1) The mission of the family, children, and youth administration
4 is to coordinate and work with the community, including foster parents,
5 to develop services and programs designed to prevent child abuse and
6 neglect, to support the efforts of families to care for and parent
7 their own children safely, to strengthen families when child abuse and
8 neglect have occurred, to provide intervention services early designed
9 to preserve the family when high-risk situations are identified, to
10 provide effective services to protect abused and neglected children,
11 and to ensure permanent families for children. The administration
12 must, either directly or through interagency agreements or contracts
13 with service providers in local communities:

14 (a) Promote safe and stable placements of children;

15 (b) Facilitate the delivery of appropriate treatment services to
16 families and their children;

17 (c) Help connect youth to appropriate services;

18 (d) Improve foster parent recruitment, retention, training, and
19 support; and

20 (e) Help maintain connections between siblings in out-of-home
21 placement.

22 (2) The administration must, within available funds, offer or
23 contract with service providers who offer evidence-based programs or
24 practices, as well as promising practices, in such areas as substance
25 abuse treatment, mental health services, domestic violence treatment,
26 parent-child interaction therapy, and parenting classes.

27 (3) If the workload for the administration's social workers reaches
28 a level in which the focus of the social workers' attention in a
29 particular office shifts away from the priority work of conducting
30 social work in the field, the administration may hire support staff to
31 fulfill such functions as:

32 (a) Providing in-office support that does not require the level of
33 education and training of a social worker, such as providing
34 transportation, gathering documents, delivering information, and other
35 administrative functions;

36 (b) Assisting with court discovery requests and public disclosure
37 requests; and

1 (c) Providing in-home services to families to teach basic skills
2 necessary to better care for their children.

3 (4) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Promising practice" means a practice that presents, based on
6 preliminary information, potential for becoming a research-based or
7 consensus-based practice.

8 (b) "Evidence-based" means a program or practice that has had
9 multiple site, random controlled trials across heterogeneous
10 populations demonstrating that the program or practice is effective for
11 the population.

12 **PART 2**

13 **REFERENCES TO FAMILY, CHILDREN, AND YOUTH ADMINISTRATION**

14 **Sec. 201.** RCW 26.44.125 and 1998 c 314 s 9 are each amended to
15 read as follows:

16 (1) A person who is named as an alleged perpetrator after October
17 1, 1998, in a founded report of child abuse or neglect has the right to
18 seek review and amendment of the finding as provided in this section.

19 (2) Within twenty calendar days after receiving written notice from
20 the department under RCW 26.44.100 that a person is named as an alleged
21 perpetrator in a founded report of child abuse or neglect, he or she
22 may request that the department review the finding. The request must
23 be made in writing. If a request for review is not made as provided in
24 this subsection, the alleged perpetrator may not further challenge the
25 finding and shall have no right to agency review or to an adjudicative
26 hearing or judicial review of the finding.

27 (3) Upon receipt of a written request for review, the department
28 shall review and, if appropriate, may amend the finding. Management
29 level staff within the ((children's)) family, children, and youth
30 administration designated by the secretary shall be responsible for the
31 review. The review must be conducted in accordance with procedures the
32 department establishes by rule. Upon completion of the review, the
33 department shall notify the alleged perpetrator in writing of the
34 agency's determination. The notification must be sent by certified
35 mail, return receipt requested, to the person's last known address.

1 (4) If, following agency review, the report remains founded, the
2 person named as the alleged perpetrator in the report may request an
3 adjudicative hearing to contest the finding. The adjudicative
4 proceeding is governed by chapter 34.05 RCW and this section. The
5 request for an adjudicative proceeding must be filed within thirty
6 calendar days after receiving notice of the agency review
7 determination. If a request for an adjudicative proceeding is not made
8 as provided in this subsection, the alleged perpetrator may not further
9 challenge the finding and shall have no right to agency review or to an
10 adjudicative hearing or judicial review of the finding.

11 (5) Reviews and hearings conducted under this section are
12 confidential and shall not be open to the public. Information about
13 reports, reviews, and hearings may be disclosed only in accordance with
14 federal and state laws pertaining to child welfare records and child
15 protective services reports.

16 (6) The department may adopt rules to implement this section.

17 **Sec. 202.** RCW 26.44.220 and 2005 c 345 s 1 are each amended to
18 read as follows:

19 (1) Within existing resources, the department shall develop a
20 curriculum designed to train staff of the department's ((children's))
21 family, children, and youth administration who assess or provide
22 services to adolescents on how to screen and respond to referrals to
23 child protective services when those referrals may involve victims of
24 abuse or neglect between the ages of eleven and eighteen. At a
25 minimum, the curriculum developed pursuant to this section shall
26 include:

27 (a) Review of relevant laws and regulations, including the
28 requirement that the department investigate complaints if a parent's or
29 caretaker's actions result in serious physical or emotional harm or
30 present an imminent risk of serious harm to any person under eighteen;

31 (b) Review of policies of the department's ((children's)) family,
32 children, and youth administration that require assessment and
33 screening of abuse and neglect referrals on the basis of risk and not
34 age;

35 (c) Explanation of safety assessment and risk assessment models;

36 (d) Case studies of situations in which the department has received
37 reports of alleged abuse or neglect of older children and adolescents;

1 (e) Discussion of best practices in screening and responding to
2 referrals involving older children and adolescents; and

3 (f) Discussion of how abuse and neglect referrals related to
4 adolescents are investigated and when law enforcement must be notified.

5 (2) As it develops its curriculum pursuant to this section, the
6 department shall request that the office of the family and children's
7 ombudsman review and comment on its proposed training materials. The
8 department shall consider the comments and recommendations of the
9 office of the family and children's ombudsman as it develops the
10 curriculum required by this section.

11 (3) The department shall complete the curriculum materials required
12 by this section no later than December 31, 2005.

13 (4) Within existing resources, the department shall incorporate
14 training on the curriculum developed pursuant to this section into
15 existing training for child protective services workers who screen
16 intake calls, (~~children's~~) family, children, and youth administration
17 staff responsible for assessing or providing services to older children
18 and adolescents, and all new employees of the (~~children's~~) family,
19 children, and youth administration responsible for assessing or
20 providing services to older children and adolescents.

21 **Sec. 203.** RCW 28A.300.800 and 2002 c 326 s 1 are each amended to
22 read as follows:

23 (1) Within existing resources, the department of social and health
24 services, in cooperation with the office of the superintendent of
25 public instruction, shall convene a working group to prepare a plan for
26 the legislature which addresses educational stability and continuity
27 for school-age children who enter into short-term foster care. The
28 working group shall be comprised of representatives from:

29 (a) The (~~children's~~) family, children, and youth administration
30 of the department of social and health services;

31 (b) The special education, transportation, and apportionment
32 divisions of the office of the superintendent of public instruction;

33 (c) The Washington state institute for public policy;

34 (d) School districts;

35 (e) Organizations that regularly advocate for foster children;

36 (f) Foster parents; and

1 (g) Other individuals with related expertise as deemed appropriate
2 by the working group.

3 (2)(a) The working group shall develop a plan for assuring that the
4 best interests of the child are a primary consideration in the school
5 placement of a child in short-term foster care. The plan must:

6 (i) Determine the current status of school placement for children
7 placed in short-term foster care;

8 (ii) Identify options and possible funding sources from existing
9 resources which could be made available to assure that children placed
10 in short-term foster care are able to remain in the school where they
11 were enrolled prior to placement;

12 (iii) Submit recommendations to the legislature by November 1,
13 2002, to assure the best interest of the child receives primary
14 consideration in school placement decisions.

15 (b) The plan shall be developed within existing resources.

16 **Sec. 204.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
17 read as follows:

18 (1) The department shall establish by rule a policy for the common
19 use of residential group homes for juvenile offenders under the
20 jurisdiction of the juvenile rehabilitation administration and the
21 (~~children's~~) family, children, and youth administration.

22 (2) A juvenile confined under the jurisdiction of the juvenile
23 rehabilitation administration who is convicted of a class A felony is
24 not eligible for placement in a community facility operated by
25 (~~children's~~) family, children, and youth administration that houses
26 juveniles who are not under the jurisdiction of juvenile rehabilitation
27 administration unless:

28 (a) The juvenile is housed in a separate living unit solely for
29 juvenile offenders;

30 (b) The community facility is a specialized treatment program and
31 the youth is not assessed as sexually aggressive under RCW 13.40.470;
32 or

33 (c) The community facility is a specialized treatment program that
34 houses one or more sexually aggressive youth and the juvenile is not
35 assessed as sexually vulnerable under RCW 13.40.470.

1 **Sec. 205.** RCW 74.13.570 and 2005 c 93 s 2 are each amended to read
2 as follows:

3 (1) The department shall establish an oversight committee composed
4 of staff from the ((children's)) family, children, and youth
5 administration of the department, the office of the superintendent of
6 public instruction, the higher education coordinating board, foster
7 youth, former foster youth, foster parents, and advocacy agencies to
8 develop strategies for maintaining foster children in the schools they
9 were attending at the time they entered foster care and to promote
10 opportunities for foster youth to participate in postsecondary
11 education or training.

12 (2) The duties of the oversight committee shall include, but are
13 not limited to:

14 (a) Developing strategies for school-based recruitment of foster
15 homes;

16 (b) Monitoring the progress of current pilot projects that assist
17 foster children to continue attending the schools they were attending
18 at the time they entered foster care;

19 (c) Overseeing the expansion of the number of pilot projects;

20 (d) Promoting the use of best practices, throughout the state,
21 demonstrated by the pilot projects and other programs relating to
22 maintaining foster children in the schools they were attending at the
23 time they entered foster care;

24 (e) Informing the legislature of the status of efforts to maintain
25 foster children in the schools they were attending at the time they
26 entered foster care;

27 (f) Assessing the scope and nature of statewide need among current
28 and former foster youth for assistance to pursue and participate in
29 postsecondary education or training opportunities;

30 (g) Identifying available sources of funding available in the state
31 for services to former foster youth to pursue and participate in
32 postsecondary education or training opportunities;

33 (h) Reviewing the effectiveness of activities in the state to
34 support former foster youth to pursue and participate in postsecondary
35 education or training opportunities;

36 (i) Identifying new activities, or existing activities that should
37 be modified or expanded, to best meet statewide needs; and

1 (j) Reviewing on an ongoing basis the progress toward improving
2 educational and vocational outcomes for foster youth.

3 **Sec. 206.** RCW 74.13.660 and 2006 c 353 s 3 are each amended to
4 read as follows:

5 Under the foster parent critical support and retention program,
6 foster parents who care for sexually reactive children, physically
7 assaultive children, or children with other high-risk behaviors shall
8 receive:

9 (1) Availability at any time of the day or night to address
10 specific concerns related to the identified child;

11 (2) Assessment of risk and development of a safety and supervision
12 plan;

13 (3) Home-based foster parent training utilizing evidence-based
14 models; and

15 (4) Referral to relevant community services and training provided
16 by the local ((children's)) family, children, and youth administration
17 office or community agencies.

18 **PART 3**
19 **MISCELLANEOUS PROVISIONS**

20 NEW SECTION. **Sec. 301.** Part headings used in this act are not any
21 part of the law.

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